

R E M A R K S

The office action of February 24, 2005 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claims 9 through 11 remain in this case, claims 12 through 15 being cancelled by this response.

Rejection(s) under 35 U.S.C. §102

Claims 9 through 11 were rejected under 35 U.S.C. 102(b) as being anticipated by *Wach et al.* Applicant respectfully disagrees with the rejection. The light receiving plate of Wach et al. which the examiner referred to is quite different from the light receiving plate of the present invention. It is nothing but a tooling plate 7910 (fig.79, col. 66 line 57) which is used for holding the fiber bundle when coating the thin-film to the distal end face of the fiber bundle. The tooling plate 7910 has the suitable size of 1" times 1" (col. 66 line 58), so that it can never be inserted into blood vessels. In addition, the hole in the plate of Wach et al. which the examiner referred to is not a hole for a transparent excitation small piece but a hole 7911 where the fiber bundle assembly 7912 is inserted (col. 67 lines 1-2). Finally, Wach et al. does not disclose the transparent excitation small piece fitted into a center hole of the light receiving plate. Therefore, it is respectfully suggested that the rejection of the referenced claims as being anticipated by *Wach et al.* is overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection(s) under 35 U.S.C. §103

Claims 9 through 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Alfano et al.* in view of *Wach et al.* Applicant respectfully disagrees, and believes the claims, as amended, are patentable over *Alfano et al.* and *Wach et al.*, individually and in combination. Wach et al. states that a filter may be applied to a thin wafer which is placed up to the fiber's end faces (col.46 lines 56-57). Then, it might be obvious for a person skilled in the art that the thin plate having the filter is abutted against the end face of the probe 61 of Alfano et al. However, in order for the probe to be insertable into a blood vessel, the probe should be smaller in diameter than the blood vessel. The thin plate for such a small probe insertable into the blood vessel is so small that the person skilled in the art would never think of making a center hole in the thin plate

and of fitting a small piece into the center hole. So, even if Alfano et al. and Wach et al. are combined, it can be still only obtained that a thin plate without a center hole has a filter on the center area thereof and another filter on the surrounding area thereof. In view of this, and of the arguments set forth with regard to section 102, above, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

Applicant believes the claims, as amended, are patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully Submitted:

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